

Although no agreements were reached, the motion is moot, as further explained herein.

I. Introduction

1. The Trustee has sued the Defendants for various causes of action, mostly related to alleged fraud regarding the buying and selling of mineral interests. The Defendants have all filed Answers denying the Trustee's allegations and asserting a number of affirmative defenses.

II. Status

2. On Thursday, October 10, 2013 counsel for Defendants, John H. Carney, met with Andrew B. Sommerman face to face at his office as instructed by the Court. At the time of the meeting, Mr. Sommerman informed Carney that Coppermark Bank and Prosperity Bancshares, Inc. (the "Banks") had already produced the documents responsive to the subpoena despite defendant's pending motion to quash. This development rendered the Defendant's Motion to Quash or Modify Plaintiff's Subpoenas as moot.

3. On October 15, 2013 Defendants notified counsel for Plaintiff that the bank documents were "Designated - Confidential" and that defendant was asserting the bank records and documents obtained by Plaintiff through the Subpoenas directed to Coppermark Bank and Prosperity Bancshares, Inc. were "*Confidential*" and subject to the provisions of the *Confidentiality Stipulation and Agreed Protective Order* (the Order") entered by the Parties and signed by Judge Furgeson on June 7th, 2012 (Doc. #7). Counsel has requested Plaintiff's counsel to identify the

documents produced with sufficient specificity so as to make certain all Parties know which documents fall under the Order. The availability of this option further rendered hearing on Defendant's motion unnecessary.

Therefore, Defendant respectfully requests the Court deny Defendant's Motion to Quash or Modify Plaintiff's Subpoenas Directed to Coppermark Bank and Prosperity Bancshares as moot.

Respectfully submitted,

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 15^h day of October, 2013, I provided copies to all counsel for the Plaintiff via fax transmission.

/s John H. Carney

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